

JONES DAY

MEMO ENDORSED

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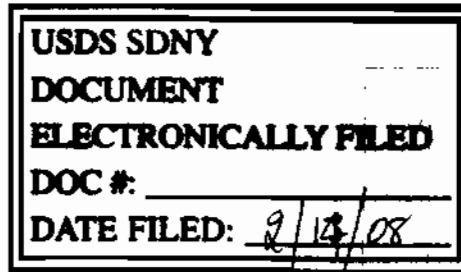
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February 8, 2008

BY HAND

The Honorable Lewis A. Kaplan
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Jackson v. The Scotts Company
08 CV 1064 (LAK)

Dear Judge Kaplan:

On behalf of our client, Defendant The Scotts Company LLC ("Scotts" or "Defendant"), we write to request an extension of Defendant's time to answer, move, or otherwise respond to the Complaint to and including March 10, 2008.

Plaintiff Maria Jackson ("Plaintiff") initiated this action in the Supreme Court of the State of New York, Bronx County, and Defendant timely removed the action to this Court on Friday, February 1, 2008. Accordingly, Defendant's response to the Complaint is due today. On Tuesday, February 5, I telephoned Plaintiff's counsel, Sandra Frelix, Esq., to request a thirty day extension of time to respond to Plaintiff's 34-page, 253-paragraph Complaint. Ms. Frelix was unavailable, but she returned my call the morning of February 6 and she agreed to the requested extension. At noon the same day, I sent Ms. Frelix a letter by facsimile confirming our agreement along with an attached stipulation for her to sign. Copies of the letter and stipulation are enclosed. Ms. Frelix, however, has neither returned the stipulation nor responded to voicemails I left with her office both yesterday and today requesting that she sign and return the stipulation so I may file it with the Court.

Accordingly, Scotts respectfully requests that the Court enter an order reflecting the parties' agreement that Defendant's time to answer, move, or otherwise respond to the

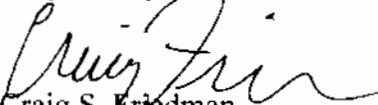
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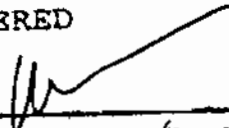
Complaint is extended to and including March 10, 2008. This is Defendant's first request for an extension of time in this matter.

Respectfully submitted,


Craig S. Friedman

Enclosure

cc: Sandra Frelix, Esq. (via facsimile with enclosure)
Attorney for Plaintiff


SO ORDERED


LEWIS A. KAPLAN, USDJ
2/13/08